IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

CRL.A.No. 396 of 2005()

ST.2287/2000 of JUDL. MAGISTRATE OF FIRST CLASS COURT, KODUNGALLUR

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APPELLANT: COMPLAINANT

AZEEZ, S/O. AHAMMED HAJI,
PUTHIYAVEETTIL,
KAIPAMANGALAM, DIRECTOR, INTEGRATED
SPICES AND FOODS (P) LTD., KAIPAMANGALAM,
NOW REPRESENTED BY MR.MADHU MOHAN K.S.,
PRINCIPAL OFFICER.

BY ADV. SRI.N.P.SAMUEL
SRI.RUPESH V.R.

RESPONDENTS: ACCUSED & STATE

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1. SANTHOSH KUMAR, PROPRIETOR,
POPULAR AGENCIES, SREENIVASAPURAM, VARKALA,
THIRUVANANTHAPURAM.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.PUZHAKKARA MUHAMMED.
SRI.M.L.SAJEEVAN
SRI.M.N.SANJITH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M. JAMES, J.

Criminal Appeal No. 396 of 2005

Dated this the 28th February, 2007.

J U D G M E N T

The complaint preferred by the complainant before the Judicial First Class Magistrate Court, Kodungallur, as S.T.No.2287/2000, was dismissed on the ground of continuous absence of the complainant. Counsel submits that the Director, who was representing the Private Limited Company, was suffering from heart ailments, and, therefore, he could not be present before the court below. Nevertheless, an application along with a medical certificate was produced before the court below for adjournment of the case. However, the learned Magistrate dismissed the complaint, and acquitted the accused. Hence, this appeal after obtaining leave of this Court.

2. Today, I have disposed of Crl.A.Nos. 406 & 392 of 2005, preferred by the same appellant, through another Director, after due authorisation.

3. In the above circumstances, taking a similar view, I set aside the impugned order, dated 22.12.2003, and restore S.T.No.2287/2000, to the file of the Judicial First Class Magistrate Court, Kodungallur.

4. The parties shall appear before the court below on 29.3.2007.

5. The learned Magistrate is directed to dispose of the case, at the earliest, and in any case, within four months from the date of appearance of the parties.

Criminal Appeal is allowed as above.

J.M. JAMES,
JUDGE

nj.